

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
च कलम ३७ (२) नसार मंजूर फेरवदल.

कल्याण-डोबिवली महानगरपालिकेच्या मंजूर
विकास नियंत्रण नियामावलीतील नियम क्र. ६६
अपेंडीक्स -एम ६.१ (च).६.२ (इ) (क) मर्धाल
चदलाबाबत.

महाराष्ट्र शासन
नगर विकास विभाग
शासन निर्णय क्रमांक-टीपीएस-२०५/२५३६/प्र.क्र.१०६/०६/नवि-१२
मंत्रालय, मुंबई- ४०० ०३२.
दिनांक :- १७सप्टेंबर २००७.

शासन निर्णय :- सोयतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या साधारण राजपत्रात
प्रसिद्ध करण्यात याची.

महाराष्ट्राचे गज्यपाल यांच्या अगदेशानुसार व नांवाने,

(१६६)
(अशोक बा. पाटील)
कार्यासन अधिकारी, महाराष्ट्र शासन.

प्रति,

- १) विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवि-मुंबई.
- २) आयुक्त, कल्याण-डोबिवली महानगरपालिका, कल्याण.
- ३) संचालक नगर रचना महाराष्ट्र रज्य-पुणे.
- ४) उपसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नवि-मुंबई.
- ५) सहायक संचालक नगर रचना, ठाणे शास्त्रा, जिल्हाधिकारी कार्यालय, कोर्ट नाका, ठाणे.
- ६) व्यवस्थापक शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना यिनंती की, सदरची मुचना महाराष्ट्र शासनाच्या साधारण राजपत्रात
प्रसिद्ध करून त्याच्या प्रत्यक्षी ३० प्रती शासनास व आयुक्त, कल्याण-डोबिवली
महानगरपालिका, कल्याण आणि उप संचालक, नगर रचना, कोकण विभाग, कोकण भवन
, नवि-मुंबई यांना पाठवाव्याह)

(७) निवडनर्नी (कार्यासन-१२)

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GOVERNMENT OF MAHARASHTRA

Urban Development Department
Mantralaya, Mumbai - 400 032.

Dated the 17th September, 2007.

NOTIFICATION

***Maharashtra
Regional and
Town Planning
Act, 1966***

No. TPS 1205/2436/CR-106/06/UD-12: Whereas the Development Control Regulations for Kalyan-Dombivali Municipal Corporation (hereinafter referred to as "the said Regulation") have been sanctioned by the Government vide Urban Development Department's Notification No.TPS-1202/469/CR-41/02/UD-12, dated 16th January, 2004, 1995, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act) to come into force with effect from 2/2/2004. The excluded parts have been sanctioned by the Govt. vide Urban Development Department Notification No. TPS 1202/460/CR-41/02/UD-12 dated 1/12/2005 and to come into force with effect from 18th January, 2006,

And whereas as per Regulation No.66, Appendix M-6.1(b) & 6.2(3)(c) of the said regulations, any industrial land can be permitted to be utilised for any of the permissible user in residential & Commercial Zone, subject to provisions of and for public utilities and amenities and further 10% shall require to be provided as additional recreational space for land more than 2 ha.;

And whereas, the regulation No.66, Appendix M-6.1(b) & 6.2(3)(c) of the said regulations clearly specifies that provision for public utilities and amenities shall be considered to be reservations in the Development Plan and TDR shall be available for such reservation ;

And whereas, there is no specific provision for FSI/TDR for additional recreational space and Government *has received representations to the effect that the additional recreational space may be considered as layout recreation space and to waive the Kalyan Dombivali Municipal Corporation's condition of handing over said additional recreational space to Kalyan Dombivali Municipal Corporation in lieu of TDR* ;

And whereas, Government has decided to revise the existing provisions in regulation No.66, Appendix M-6.1(b) & 6.2 (3)(c) (hereinafter referred to as "the said Modification") and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice bearing No. TPS 1205/2436/CR-106/65/UD-12, dated 16.3.2006 (hereinafter referred to as "the said Notice") regarding the said modification for inviting suggestions / objections from public ;

And whereas, the said notice was published in the Government Gazette (Extra Ordinary) dated 23.03.2006 and in the news paper namely "Dainik Free Press Journal (English) dated 31/3/06 & Dainik Janmat (Marathi) dated 7th April, 2006;

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning, Konkan Division as an officer under section 162 of the said act (hereinafter referred to as "the said Officer") to scrutinise the suggestions / objections received grant hearing to the persons submitting suggestions / objections including Municipal Corporation of Kalyan Dombivali Municipal Corporation(hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification ;

And whereas, after hearing the suggestions / objections received regarding the said modification and the say of said Corporation on the suggestions / objections the said officer has submitted his report vide letter No. 152, dated 29.1.2007 to the Government (hereinafter referred to as "the said Report") ;

And whereas, after consulting Director of Town Planning, Maharashtra State Pune, Government is of the opinion that the said modification should be sanctioned with some changes ;

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby

- A) sanction the said modification as specifically described in the Schedule A appended hereto ;
- B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of the said modification.
- C) Directs the said corporation that, in the schedule of modification, sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of the Governor of Maharashtra,


(Sudhakar Nangnure)
Deputy Secretary to Government.

SCHEDULE-A

Annexure to Govt. Resolution No.TPS 1205/2436/CR-106/06/UD-12
Dated 4th September, 2007.

Modification No.1

Sr. No.	Regulation	Existing provision	Proposed modification
1	Appendix-M (Regulation No.66) M-6.1(b)(i)& M-6.2 (3)(c)(i)	The layout or sub-division of such land shall be approved by the Commissioner, who will ensure that the requisite land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein and	<p>i) The conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. However, in respect of any open land in the industrial zone, where industry never existed, NOC from Labour Commissioner is not required.</p> <p>The layout or sub division of such land admeasuring upto shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.</p>
2	Appendix-M (Regulation No.66)M-6.1(b)(ii)&(ii i) and M-6.2 (3)(c)(ii)	In such layouts or sub-divisions, each more than 2 ha. In area, amenities and facilities shall be provided as required by these regulations. These areas will be in addition to those to be earmarked for public utilities and amenities in accordance with clause c(i) above and in addition to the recreational space as is required to be provided under these regulations	<p>ii) In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.</p>

		<p>and further 10% shall be provided as additional recreational space. The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes.</p>	<p>Provided that atleast 50% of this land shall be reserved for unbuildable reservations such as Garden, Recreational ground etc.</p> <p>iii) In such layout or subdivision each more than 5 ha. In area, 25% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.</p> <p>These areas will be in addition to the recreational space as required to be provided under these regulation.</p>
			<p>Provided that atleast 50% of this land shall be reserved for unbuildable reservations such as Garden, Recreational ground etc.</p>
3	Appendix-M (Regulation No.66, M-6.2(3)(c)(iii)	The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes.	(iv) No change.
4	Appendix-M (Regulation No.66) M-6.1(b)(iv) & M-6.2 (3)(c)(iv)	Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.	v) No change.
5	Appendix-M (Regulation No.66) M-6.1(b)(v)& M-6.2 (3)(c)(v)	Provision for public utilities and amenities shall be considered to be reservations in the development plan and transferable development rights as in Appendix-W shall be available for such reservations.	vi) Provision for public utilities and amenities shall be considered to be reservation in the development plan and Transferable Development Rights as in Appendix-W or FSI of the same shall be available for utilisation on the remaining land.

6	Appendix-M (Regulation No.66) M-6.1(c)& M-6.2 (3)(d)	With the previous approval of the Commissioner, and subject to such terms as may be stipulated by him, open land in existing industrially zoned land or space, excluding land or space of cotton textile mills, which is unoccupied or is surplus to requirement of the industry's use may be permitted to be utilised for office or commercial purposes in the other areas of the KMC or for commercial purposes (excluding offices) in the congested area of erstwhile Kalyan & Dombivali Municipal Council, but excluding warehousing.	Deleted.
7	Appendix-M (Regulation No.66) M-6.1(d)& M-6.2 (3)(e)	With the special written permission of the Commissioner, isolated small open plots upto one hectare in size which are allocated for industrial purposes and situated predominantly in the residential zone (excluding the plots of cotton textile mills) may be permitted to be used for any other permissible users in Residential Zone (R-1 Zone) or the Residential Zone with shop line (R-2 Zone).	Deleted.

Following note shall be added below the above regulations:

Note:-

1. Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of the land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of land to be reserved of the said part area of land for public amenity spaces, as per the said regulation. However, necessary segregating distances shall be provided from industrial use.
2. The area under reservation shall be treated in the area of required amenity space and TDR /In situ FSI for this area will be allowed.
3. Out of the total floor area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq.mt.

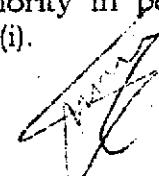
Modification No.2:

Regulation No. 55.3 in table at Sr. No.4.	In Sr. No.4 of table under Regulation No. 55.3 following words shall be added: However, the area for FSI computation shall be 90% of net area (after deducting amenity area) in case of change of Industrial user to Residential user as specified in Regulation No.66, M-6.1(b) & M-6.2(3)(c).
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Modification No.3:

Following proviso shall be added in Sr. No.14 of Appendix-W of regulation No. N-1.4(a).

FSI of the receiving plot in the area of permission under regulation No. M-6.1(b)(i) may be allowed to be exceeded upto 100% of FSI of the said plot area excluding area under road widening or new road without deducting amenity space by way of development rights in respect of the land surrendered for public utilities and amenities to the planning authority in persuence of the development permission as per regulation No.M6.1(b)(i).



(Sudhakar Nangnure)
Deputy Secretary to Government.